

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DAVID KISSI and
THE AMENDALE TRUST, et al.

Plaintiffs,

v.

JIM GILLESPIE and
COLDWELL BANKER,

Defendants.

CIVIL ACTION NO. 08-3574 (JLL)

ORDER

LINARES, District Judge.

This matter comes before the Court on *pro se* Plaintiff David Kissi's ("Plaintiff") second application to *in forma pauperis* pursuant to 28 U.S.C. § 1915 [CM/ECF docket no. 3]. In its Order of August 6, 2008, the Court stated that Plaintiff filed a complaint and an application to proceed in forma pauperis on July 16, 2008. In the August 6, 2008 Order, the Court denied plaintiff's first application on the grounds that it was incomplete and directed Plaintiff to file a completed application or remit the \$350.00 filing fee by September 5, 2008. Plaintiff filed his second application on August 7, 2008.

The Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (April 26, 1996) (the "Act"), which amends 28 U.S.C. § 1915, establishes certain financial requirements for prisoners who are attempting to bring a civil action or file an appeal in forma pauperis. Under the Act, a prisoner bringing a civil action in forma pauperis must submit an affidavit, including a statement of all assets, which states that the prisoner is unable to pay the fee. 28 U.S.C. § 1915(a)(1). The prisoner also must submit a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the filing of his complaint. 28 U.S.C. § 1915(a)(2). The prisoner must obtain this statement from the appropriate official of each prison or institutional facility at which he was or is confined. Id.

Here, Plaintiff has again failed to submit a complete in forma pauperis application as required by 28 U.S.C. § 1915(a)(1). Plaintiff filed only one of two pages of the form "Application to Proceed Without Prepayment of Fees and Affidavit," did not submit a copy of his six-month institutional account statement as prescribed under 28 U.S.C. § 1915(a)(2), and did not sign the application. Accordingly,

IT IS on this 15th day of August, 2008,

ORDERED that Plaintiff's second application to proceed in forma pauperis [CM/ECF docket no. 3] is hereby **DENIED**, without prejudice; and it is further


ORDERED that the Clerk of the Court shall supply to Plaintiff a blank form Application to Proceed In Forma Pauperis; and it is further

ORDERED that, within 30 days of the date of entry of this Order, Plaintiff shall either remit the \$350.00 filing fee or submit a completed and signed in forma pauperis application, including all pages with a signature; and it is further

ORDERED that, if Plaintiff does not pay the filing fee or submit a completed and signed in forma pauperis application within the above 30-day period, the Complaint shall be deemed withdrawn and the Clerk of the Court shall close the file in this action without further notice; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

IT SO ORDERED.



Jose L. Linares
United States District Judge